

FORT BELVOIR LEGAL ASSISTANCE OFFICE
Fact Sheet: Transferring Vehicle Title after the Death of a Spouse

The death of a spouse is certainly one of the most traumatic events a person can face. However, one of the many administrative details following the death of a spouse is neither difficult nor intimidating. If a family car is titled jointly, or only in the name of the deceased spouse, the Virginia Department of Motor Vehicles streamlines the process for transferring title ownership to the surviving spouse avoiding probate entirely. The existing plates and vehicle registration remain valid until either title ownership is transferred or until the end of the registration period.

If the title reads “Mary Smith *or* Joe Smith,” or includes the words “tenants by the entireties” or the words “or survivor” then the car is jointly owned with a right of survivorship. This means that the surviving spouse already owns the legal title to the car, and may simply re-title the car in his or her own name. Just bring the old title, a notarized copy of the death certificate and for approximately \$40 for a passenger car, or \$50 for a pick-up truck, the DMV will provide a new title.

If the vehicle is titled only in the name of the deceased spouse, or if the spouses’ names on the title are separated by an “*and*” instead of an “*or*,” then the car is not jointly owned with rights of survivorship. In this situation, the surviving spouse must merely bring one additional document to the DMV along with the notarized death certificate, old title and re-titling fee in order to re-title the vehicle. If the deceased spouse left a Will, bring that. If not, bring a completed “Statement of Authority to Assign Title” (VSA-24) which is available on the Virginia DMV website. By transferring title ownership at the DMV, the surviving spouse avoids probate.

In either case, the surviving spouse will not have to pay sales or use tax on the vehicle. However, keep in mind that if the vehicle has an outstanding bank loan on it, the surviving owner or new owner under the Will must pay the remainder of that loan. And finally, don’t forget to bring proof identity whenever you go the Department of Motor Vehicles as it is required to accomplish any business there.

For more information or questions concerning unique situations, contact the Virginia Department of Motor Vehicles at 1-866-DMVLINE (1-866-368-5463), or visit the DMV online at www.dmv.state.va.us. Legal assistance can be reached at (703) 805-4381.

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